EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven M. Rabin (Reg. No. 29,102) on 9/9/2008.

The application has been amended as follows:

In the claims:

Please cancel non elected claims 11-18.

In claim 1, line 11, delete "an".

In claim 3, line 10, change ";" to --.--.

In claim 4, line 6, change "the" to --a--.

In claim 5, line 2, delete "period".

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Honda et al. (U.S. Patent # 6,975,598) teaches a data transmission apparatus having a memory, a data transmitter, a data receiver unit, a transmission amount setting circuit, and a data transmission controller. The data transmission controller further includes a transmission result amount manager, a

maximum transmission amount manager and a maximum transmission amount calculator (see figure 1).

The closest prior art of record, namely, Honda et al. (U.S. Patent # 6,975,598) does not disclose, teach or suggest, said control circuit comprising: a management time calculator for converting the transmission time period to a unit management time period representative of a transmission in unit time for management, determining allowable unit management time periods allowable for the unit management time, selecting one of said allowable unit management time periods as a management time period, calculating the maximum amount of data, and generating a timing signal indicative of an elapse of the management time period; an accumulator manager for holding and managing a total amount of data transmitted; a maximum transmission amount generator for generating the maximum amount of data to be transmitted next as a limit while updating the limit; and a monitor/controller for comparing the total amount of data with the maximum amount, inhibiting, based on a result of comparison, said data transmitter from transmitting data or canceling an inhibition while holding, when the total amount exceeds the maximum amount, a difference between the total amount and the maximum amount, and feeding the difference to said maximum transmission amount generator, as claimed in independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Honda et al. (U.S. Patent # 6,975,598) teaches a data transmission apparatus having a memory, a data transmitter, a data receiver unit, a transmission amount setting circuit, and a data transmission controller. The data transmission controller further includes a transmission result amount manager, a maximum transmission amount manager and a maximum transmission amount calculator (see figure 1).

Trans et al. (US 2003/0086515 A1) teaches maximum transmission time and the server will calculate the optimal transmit time and receive time (see paragraphs 0996 and 1081).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is 571-272-4083. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

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